

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

-

WRIT PETITION No :2879 of 2007

-

DATED: 29-01-2007

M/s Bhageriya Financial and Capital Services Limited,
Rep., by its Managing Director,
Mr.Omprakash Bhageriya,
Nallakunta, Hyderabad.

..... PETITIONER

AND

The Secretary,
Home Department,
Government of Andhra Pradesh,
Secretariat,
Hyderabad & 3 others.

.....RESPONDENTS

ORDER:

-

Heard the petitioner, who appeared in person, as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks to issue a writ of mandamus directing the 3rd respondent-Station House Officer, Afjalgunj police station, to investigate the case and submit report to the concerned Court in Cr.No.81 of 2004, dated 27-01-2004 of Afjalgunj police station, Hyderabad, for the offence under Sections 420 and 406 IPC against the 4th respondent.

3. It is stated that pursuant to the private complaint filed by the petitioner before the II Additional Chief Metropolitan Magistrate, Hyderabad, which was referred to the Inspector of Police, Afjalgunj police station, for enquiry and report, a case in Cr.No.81 of 2004 was registered for the offence under

Sections 420 and 406 IPC on 27-01-2004 by the then Sub-Inspector of Police, and the case was investigated and the Sub-Inspector of Police came to the conclusion that the said case does not attract the ingredients of cheating and it is only a breach of civil contract. Accordingly, after obtaining permission from the higher authorities the complaint of the petitioner was referred as civil in nature and notice was served on the petitioner and acknowledgement also has been obtained. As the final report was also filed by the II Additional Chief Metropolitan Magistrate, Hyderabad, a copy of which was also enclosed along with the counter, and served on the petitioner, I am of the opinion that no further orders required to be passed in this writ petition as it is always open to the petitioner to file a protest application before the concerned criminal Court and obtain appropriate proceedings in accordance with law.

4. Writ Petition is accordingly dismissed. No order as to costs.

V.ESWARAIAH,J

29th January, 2006.

Tsy